

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

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PEGGY WOODARD,
Plaintiff,

Case No.: 5:20-cv-142

v.

TFI INTERNATIONAL, INC.,
AKA TRANSPORT TFI, 11 and
DBA TFI TRANSPORT 11,
and OLIVIER LACROIX,
Defendants.

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff in the above-entitled action and hereby submits this Complaint and Demand for Jury Trial.

PARTIES

1. The plaintiff Peggy T. Woodard resides at 18 Church Street, # 1, Swanton, Vermont 05488.
2. Defendant TFI International, Inc. (AKA Transport TFI, 11 and doing business as TFI TRANSPORT 11) is a Canadian corporation organized and existing under the laws of Canada, with its principal place of business located at 8801 Rte Transcanadienne, # 500, Saint-Laurent, Quebec, Canada H4S 1Z6.
3. Defendant Olivier Lacroix resides at 7512 Rue Saint-Gerard, Montreal, Quebec, Canada H4S 1Z6.

4. At all times material hereto, Lacroix was an employee or agent of TFI International, Inc., acting within the scope of his employment and/or agency, and was the driver of a 2017 Casca Freightliner Tractor Trailer that caused the collision that injured Peggy T. Woodard.

JURISDICTION

5. This case is brought under 28 U.S.C. § 1332(a)(1) based upon diversity of citizenship. Because Plaintiff is a citizen of Vermont, defendants are all citizens of Canada, and the amount in controversy (exclusive of interest and costs) exceeds \$75,000, diversity jurisdiction exists in this Court.

6. Venue lies in this Court under 28 U.S.C. § 1391(a)(2) because the events which gave rise to this action occurred in Highgate, Vermont.

CLAIMS

7. On the afternoon of March 8, 2018, Peggy T. Woodard was driving her 2006 Kia on Vt. Route 78 in Highgate, Vermont.

8. On March 8, 2018, shortly before 4:46 p.m., on Rte. 78 in Highgate, Vermont, the 2017 Casca Freightliner Tractor Trailer, owned and/or operated by TFI International, Inc., and driven by Olivier Lacroix, drove at an excessive rate of speed, crossed the double line of the highway, and caused Peggy T. Woodard to collide with the freightliner and sustain serious injuries.

COUNT ONE: NEGLIGENCE AND GROSS NEGLIGENCE

9. Paragraphs 1-8 are realleged.

10. The negligent and/or grossly negligent and or/reckless acts, conduct and omissions of the defendants, as alleged above, caused the collision and serious injuries to Peggy Woodard on March 8, 2018.

11. At the time of the collision, Defendant Lacroix owed a duty of care to Plaintiffs to operate his commercial vehicle in a safe and prudent manner, and he breached that duty as set forth below.

12. Defendant Lacroix failed to reduce his speed as he rounded the curve on Rte 78 in violation of 23 V.S.A. § 1081 (a) (Unreasonable and Imprudent Speed for Conditions), and 23 V.S.A. § 1038 (Roadway Laned for Traffic.) He failed to take reasonable and necessary safety precautions that adequately took into account the weather and the road conditions, and otherwise failed to take other reasonable and appropriate precautions to avoid an accident.

13. Defendant Lacroix drove out of his marked lane in violation of 23 V.S.A. § 1038.

14. Defendant Lacroix was driving at a speed that was not reasonable under existing conditions, in violation of 23 V.S.A. § 1081.

15. Defendant Lacroix' operation of the truck was negligent and grossly negligent in violation of 23 V.S.A. § 1091 (a) and (b).

16. Defendant Lacroix' violations of state statutes directly and proximately caused Peggy T. Woodard's injuries and other damages to her described in this complaint.

17. Defendant TFI International, Inc., is liable for the negligent and/or grossly negligent and/or reckless conduct of Lacroix under the legal doctrine of *respondeat superior*.

18. Defendant TFI International, Inc. negligently hired and/or directed Lacroix and negligently failed to adequately train and/or supervise Lacroix in reasonable and necessary safety measures and procedures.

19. As a direct and proximate result of the negligence of Defendants Lacroix, and TFI International, Inc., Peggy T. Woodard was severely injured in the collision with defendants' freightliner.

RELIEF

WHEREFORE, the plaintiff prays this Court:

1. To enter judgment for the plaintiff for compensatory damages in amounts to be determined by the jury, plus pre-judgment interest, costs and disbursements herein as allowed by law, including a reasonable attorney's fee; and
2. To grant the plaintiff such further relief as this Court may deem just and equitable.

The Plaintiff demands trial by jury on all issues so triable.

Dated at Manchester Center, Vermont this 14th day of September 2020.

RESPECTFULLY SUBMITTED,

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